

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 738 - HB 669**

March 10, 2013

**SUMMARY OF BILL:** Creates a misdemeanor for a minor gaining access to a readily dischargeable firearm if a person, with criminal negligence, failed to secure the firearm or left the firearm in a place to which the person knew or should have known the minor would gain access.

Creates affirmative defenses to prosecution if the minor was supervised by someone 18 years of age or older and was hunting, sporting, or other lawful purposes; the minor was lawfully defending himself or property; the minor gained access by entering property unlawfully; or if the offense occurred when the actor was engaged in an agricultural enterprise.

The offense is a Class C misdemeanor, unless the minor discharges the firearm and causes death or serious bodily injury to the minor or another person which is a Class A misdemeanor. Committing the offense is grounds to have one's handgun permit revoked or suspended.

Prohibits a law enforcement officer or other person from arresting the person for seven days after the offense occurs if the actor is a family member of the minor who discharged the firearm and the minor was killed or suffered serious bodily injury.

Requires firearm dealers to post on the premises a sign containing a warning that it is unlawful to store, transport, or abandon an unsecured firearm in a place where minor children are likely to be and can obtain access to the firearm.

Authorizes courts, in all criminal convictions, to consider whether the defendant committed an offense while knowingly accompanied by a minor under the age of thirteen as a factor in deciding whether or not to enhance a defendant's sentence.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- There will not be a sufficient number of misdemeanor prosecutions for local government to experience any significant increase in revenue or expenditures.

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- Due to the low number of convictions the bill would result in, it is assumed that the courts, district attorneys, and public defenders can accommodate any impact to their caseloads within existing resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm